

House Bill No. 43—In Senate.

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- 1 Reported from House February 8, 1910.
 - 2 Read first time, ordered printed and referred to Committee on Municipalities.

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A BILL

For an Act to amend an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and all Acts amendatory thereto by adding thereto article XIII.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and all Acts amendatory thereof, be and the same hereby is amended by adding thereto an article to be known as article XIII, in the words and figures following:

ARTICLE XIII.

ORGANIZATION.

That all cities and villages in the State of Illinois not exceeding two hundred thousand (200,000) population which are now or may hereafter be-

10 come incorporated under an Act entitled, "An Act to provide for the incor-
 11 poration of cities and villages," approved April 10, 1872, and in force July 1,
 12 1872, and all Acts amendatory thereof shall, in addition to all rights, powers
 13 and authority in them vested, under and by virtue of said Acts, have and they
 14 are hereby vested with the further and additional rights, powers and authority
 15 contained in this Act, which for convenience is hereinafter designated "The
 16 Commission Form of Municipal Government," by proceeding as hereinafter
 17 provided.

Sec. 2. Whenever electors of any city or village equal in number to one-
 2 tenth of the votes cast for all candidates for mayor or president of the board
 3 of trustees at the last preceding city or village election of any such city or
 4 village voting for such officer, shall petition the judge of the county court of
 5 the county in which said city or village, or the greater part thereof, is located
 6 to submit to a vote of the electors of such city or village the proposition as to
 7 whether such city or village shall adopt and become entitled to the provisions
 8 of this Act, it shall be the duty of such judge of the county court to submit
 9 such proposition accordingly to a special city or village election to be called
 10 by such judge within sixty days: *Provided*, if a general city or village election
 11 is held within such sixty days, such proposition shall be submitted thereat.
 12 An order shall be entered and recorded in the county court of such county sub-
 13 mitting such proposition as aforesaid. *Provided further*, that if the question of
 14 the adoption of this Act shall be submitted to the voters of any municipality,
 15 and it shall not be adopted by such municipality, then and in that event the ques-
 16 tion of the adoption of this Act shall not be again submitted in such municipality
 17 for at least two years.

Sec. 3. Said petition provided for in section 2 shall be substantially in the
 2 following form:
 3 "To the Honorable (name of judge), Judge of the County Court of the County
 4 of (name of county):

5 We, the undersigned qualified electors of the city or village of (name of
6 city or village), respectfully petition your honor to submit to a vote of the
7 electors of said city or village, at an election, the following proposition:

8 Shall the city (or village) of.....adopt the commission form of
9 municipal government?

Name.	Address, with Street and Number.
.....
.....

10 State of Illinois, }
11 County of..... } ss.

12 I.....do hereby certify and make oath (or affirm) that I
13 am upwards of the age of twenty-one years; that I reside at number.....
14 street, in the city (or village) of.....of the county of.....
15 and State of Illinois, and that the signatures of this sheet were signed in my
16 presence and are genuine; and that to the best of my knowledge and belief the
17 persons so signing were at the time of signing said petition qualified voters
18 of said city (or village), and that their respective residences are correctly
19 stated as above set forth.

20 Subscribed and sworn to before me this.....day of.....A. D. 19...

21 (Seal, if officer has one.)

22 (Official Character.)

23 Such petitions shall consist of sheets of uniform size, and the heading of
24 each sheet shall be the same.

25 Such petitions shall be signed by qualified electors of such city or village
26 in their own proper persons only, and opposite the signature of each signer,
27 his residence address shall be written (and if a resident of a city or village
28 having a population of over 10,000, by the last preceding federal or State cen-
29 sus, the street and number of such residence shall be given.)

30 At the bottom of each sheet of such petition shall be added a statement,
31 signed by an adult resident of the city or village, stating his residence (and if
32 a resident of a city or village having a population as aforesaid, also stating the
33 street and number of such residence), certifying that the signatures on that
34 sheet of said petition were signed in his presence and are genuine, and that
35 to the best of his knowledge and belief the persons so signing were, at the
36 time of signing, qualified voters of said city or village. Such statement shall be
37 sworn to before some officer of the county in which such city or village is lo-
38 cated, authorized to administer oaths therein.

39 Such sheets, before being filed, shall be neatly fastened together by placing
40 the sheets in a pile and fastening them together at the upper edge in a secure
41 and suitable manner, and the sheets shall then be numbered consecutively.

Sec. 4. The judge of such county court shall give at least ten days' notice
2 of the election at which such proposition is to be submitted by publishing such
3 notice in one or more daily newspapers published within such city or village
4 for at least five times, the first publication to be at least ten days before the
5 day of election; and if no daily newspaper is published in such city or village,
6 then by posting at least five copies of such notice in each ward of such city or
7 in such village at least ten days before such election. Such election shall be
8 held under the election law in force in such city or village, except as herein
9 otherwise provided.

10 The proposition so to be voted upon shall appear in plain, prominent
11 type, on a separate and distinct ballot, and the names of no candidates for
12 any office or offices, nor any other proposition shall appear thereon, and such
13 ballot and the manner of voting the same shall comply as near as may be with
14 section 16 of an Act entitled, "An Act to provide for the printing and distribu-
15 tion of ballots at public expense and for the nomination of candidates for pub-
16 lic offices, to regulate the manner of holding elections, and to enforce the se-

17 crecy of the ballot, approved June 22, 1891, in force July 1, 1891, and all
18 amendments thereto.”

19 If a majority of the votes cast upon such proposition shall be in favor
20 of and for the adoption of such proposition, the provisions of this Act shall
21 thereby be adopted by such city or village, and the mayor or president of the
22 board of trustees shall thereupon immediately issue a proclamation declaring
23 this Act in force in said city or village, and thenceforth this Act shall be in full
24 force and effect therein.

Sec. 5. A certified copy of the canvass of the votes of the election on
2 such proposition, made by the proper officers, shall be transmitted to the city
3 or village clerk of such city or village, and to the clerk of the county court, and
4 by each transcribed upon the records of their respective offices in full,

Sec. 6. Immediately after such proposition is adopted, the mayor or presi-
2 dent of the board of trustees shall transmit to the Secretary of State, to the
3 clerk of the county court and county recorder each a certificate, stating that
4 such proposition was adopted, who shall duly file the same in their respective
5 offices and transcribe the same upon the records thereof.

Sec. 7. The failure of the mayor or president of the board of trustees, or
2 any of said officials, to perform the duties and acts imposed upon them by sec-
3 tions 4, 5 and 6, shall not invalidate nor prevent the adoption of this Act.

Sec. 8. All courts in this State shall take judicial notice of the adoption of
2 this Act by such cities or villages as adopt the same.

ELECTION OF OFFICERS.

Sec. 9. On the third Tuesday in April, A. D. Nineteen Hundred Eleven
2 (1911) next after the adoption of such proposition and quadrennially thereafter,

3 there shall be held a general municipal election at which there shall be elected
4 a mayor and four commissioners from the city or village, without regard to
5 wards. All divisions into wards of such municipalities as adopt this Act shall
6 be discontinued and said officers shall be nominated and elected at large:
7 *Provided*, that in cities which include wholly within their corporate limits a
8 town or towns, such elections shall be held on the first Tuesday in April: *Pro-*
9 *vided, however*, that the term of office of all regularly elected municipal officers
10 holding office at the time this Act is adopted by such municipality shall be
11 and the same are hereby made to expire at the end of ninety days after the
12 adoption of this Act by such municipality, and before the end of sixty days
13 upon the election of a mayor and commissioners in any such city within the said
14 period of ninety days: *And, provided, further*, that prior to the biennial elec-
15 tion of 1911 and prior to the next biennial election in any city after the adop-
16 tion of this Act, it shall be the duty of the proper municipal officers to call a
17 special election, at once, after the adoption of this Act, to elect a mayor and
18 four commissioners in pursuance of the provisions of this Act, of which said
19 special election ninety days' notice shall be given by the proper municipal offi-
20 cers, as provided by the terms of this Act.

Sec. 10. The mayor and commissioners elected under section 9 of this
2 Act shall be known as the council and shall hold their respective offices until
3 the next succeeding general election for such officers, respectively, and until
4 their successors are elected and qualified, as provided in this Act.

Sec. 11. The mayor and commissioners shall hold their respective offices
2 for the term of four years, or until their successors are elected and qualified:
3 *Provided*, that any mayor or commissioners elected at a special election in pur-
4 suance of the adoption of this Act, shall hold their respective offices until the
5 next quadrennial general election or until their successors are elected and quali-
6 fied. If any vacancy occurs in any such office the remaining members of said

7 council shall, within thirty days after such vacancy occurs, appoint a person
8 to fill such vacancy during the balance of the unexpired term.

Sec. 12. All candidates to be voted for at all general and special municipal elections at which a mayor and four commissioners are to be elected under the provisions of this Act shall be nominated by a primary election from the city or village at large, and no other names shall be placed upon the general ballot at the general municipal election except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the last Tuesday in February immediately preceding the general municipal election in all cities or villages in which the general municipal election under this Act is held on the first Tuesday in April, and on the second Tuesday in March immediately preceding the general municipal election in all cities or villages in which the general municipal election under this Act is held on the third Tuesday of April: *And, provided,* that at all special elections called, as hereinbefore provided, candidates shall be nominated at a primary called by the proper municipal officers, for the thirty-fifth day preceding the said special election, in accordance with the provisions of this Act, of which said primary election the proper municipal officers shall give due and legal notice, as provided by the terms of this Act.

Sec. 13. The judges and clerks of election appointed in accordance with the election law in force in such city or village shall be the judges and clerks of the primary election, and it shall be held at the same place, and the polls shall be opened and closed at the same hours, and such election shall be conducted the same as a general municipal election is conducted under the election law in force in said city or village, except as herein otherwise provided.

All election laws in force in said city or village shall apply to and govern a primary election held under this Act, except as herein otherwise provided.

Sec. 14. Any person desiring to become a candidate for mayor or commissioner shall, not less than fifteen days nor more than thirty days prior to such primary election, file with the city or village clerk, or, in those cities having a board of election commissioners, with the clerk of such board, a statement of such candidacy in substantially the following form:

State of Illinois, }
County of..... } ss.

I,, being first duly sworn, say that I reside at (here give number and street)street, in the city (or village) of (here name of city or village), county of (here name county), State of Illinois; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or commissioner), to be voted upon at the primary election to be held on the.....Tuesday of.....A. D. 19....; that I am legally qualified to hold such office; and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed)

Subscribed and sworn to (or affirmed) before me by.....on this.....day of.....A. D. 19....

(Signed)

(Official Character.)

(Seal, if officer has one.)

And shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy.

Such petition shall substantially be in the following form:

We, the undersigned, duly qualified electors of the city (or village) of (city or village), and residing at the places set opposite

29 our respective names hereto, do hereby petition that the name of (name of can-
30 didate)be placed upon the ballot as candidate for
31 nomination for the office of (here name office)at
32 the primary election to be held in such city or village on the.....Tuesday
33 of.....A. D. 19.... We further state that we know him to
34 be a qualified elector of said city or village and legally qualified to hold such
35 office.

Names of Qualified Electors.	Number.	Streets.

36 I,, do hereby certify and make oath (or affirm)
37 that I am upwards of the age of twenty-one years, that I reside at number
38 (give number and street, if any).....street, in the
39 city (or village) of....., of the county of.....,
40 and State of Illinois; that the signatures on this sheet were signed in my pres-
41 ence, and are genuine, and that to the best of my knowledge and belief the
42 persons so signing were, at the time of signing said petitions, qualified elec-
43 tors, and that their respective residences are correctly stated as above set
44 forth.

45 (Signed)

46 Subscribed and sworn to (or affirmed) before me this....day of..... ,
47 A. D. 19....

48

49 (Seal, if officer has one.) Official Character.

50 Such petitions shall consist of sheets of uniform size, and the heading of
51 each sheet shall be the same. Such petitions shall be signed by qualified elec-
52 tors, in their own proper persons only, and opposite the signature of each

53 signer, his residence address shall be written (and if a resident of a city or
54 village having a population of over 10,000 by the last preceding Federal or
55 State census the street and number of such residence shall be given). At the
56 bottom of each sheet shall be added a statement, signed by an adult resident
57 of the city or village, stating his residence address (and if a resident of a city
58 or village having a population of over 10,000 by the then last preceding Federal
59 or State census the street and number of such residence shall be given), certi-
60 fying on oath or affirmation that the signatures on that sheet of said petition
61 were signed in his presence and are genuine, and that to the best of his knowl-
62 edge and belief the persons so signing were, at the time of signing said peti-
63 tion, qualified electors of said city or village. Said statement and also the
64 statement of the candidate hereinbefore referred to shall be sworn to or affirmed
65 before some officer of the county in which the person making the statement
66 resides, authorized to administer oaths therein.

67 Such sheets, before being filed, shall be neatly fastened together in book
68 form, by placing the sheets in a pile and fastening them together at the upper
69 edge, in a secure and suitable manner, and the sheets shall then be numbered
70 consecutively. The sheets shall not be fastened by pasting them together end
71 to end, so as to form a continuous strip or roll. Said petition, when filed, shall
72 not be withdrawn or added to, and no signature shall be revoked except by
73 revocation, filed in writing with the clerk or other proper officer with whom
74 the petition is required to be filed, and before the filing of such petition.

75 Immediately upon the expiration of the time of filing the statements and
76 petitions for candidates, the said city or village clerk or board of election com-
77 missioners, as the case may be, shall cause to be published, for three suc-
78 cessive days in all the daily papers published in said city, in proper form, the
79 names of the persons as they are to appear upon the primary ballots, and if
80 there be no daily newspaper, then in two issues of any other newspapers pub-
81 lished in said city or village, and if there be no newspaper published in said

82 city or village, then in the nearest newspaper published in the county in which
 83 such city or village is located, or if there be no newspaper published in said
 84 county, then in the nearest newspaper published in the State; and the clerk
 85 shall thereupon cause the primary ballots to be printed in the same manner
 86 and in the same number and within the same time as ballots are printed under
 87 the election law in force in such city or village for general municipal elec-
 88 tions, except as herein otherwise provided. Said ballots shall be authenticated
 89 with the fac-simile of the clerk's signature on the back thereof. Upon said
 90 ballots the names of the candidates for mayor, arranged alphabetically, shall
 91 first be placed, with a square at the left of each name, and immediately above
 92 the names and immediately following the name of the office, the words "Vote
 93 for one." Following these names likewise arranged in alphabetical order, shall
 94 appear the names of the candidates for commissioners with a square at the left
 95 of each name and immediately above the names of such candidates, and imme-
 96 diately following the name of the office, shall appear the words "Vote for
 97 four." The ballots shall be printed upon plain, substantial, white paper, and
 98 shall comply with the election laws in force in such city or village, except as
 99 herein otherwise provided, and shall be headed:

100 CANDIDATES FOR NOMINATION FOR MAYOR AND COMMIS-
 101 SIONERS OF THE CITY (OR VILLAGE) OF.....AT
 102 THE PRIMARY ELECTION.

103 But shall have no party, platform or principle designated, or appellation
 104 or mark whatever, nor shall any circle be printed at the head of the ballot.
 105 The ballot shall be in substantially the following form:

106 OFFICIAL PRIMARY BALLOT.

107 CANDIDATES FOR NOMINATION FOR MAYOR AND COMMIS-
 108 SIONERS OF THE CITY (OR VILLAGE) OF.....AT
 109 THE PRIMARY ELECTION.

FOR MAYOR.

(Vote for one.)

- ☐ JOHN JONES.
- ☐ JAMES SMITH.
- ☐ HENRY WHITE.
- ☐ RALPH WILSON.

FOR COMMISSIONERS.

(Vote for four.)

- ☐ WILLIAM BURKE.
- ☐ GEORGE MILLER.
- ☐ THOMAS WILLIAMS.
- ☐ EDWARD STUART.
- ☐ ROBERT BUCK.
- ☐ HARRY BROWN.
- ☐ JOSEPH TROUT.
- ☐ ARTHUR ROBBINS.

110 Such ballots shall be authenticated and attested on the back thereof in the
 111 same manner and form as provided by the election law in force in said city
 112 or village.

113 The law governing such primary election shall be the election law in force
 114 in such city or village, for the general or special municipal elections, except
 115 as herein otherwise provided.

Sec. 15. (a) The persons who are qualified to vote at a general municipi-
 2 pal election shall be qualified to vote at such primary election; and in all cases
 3 where registration is required as a condition precedent to voting at regular
 4 elections, only registered voters shall be entitled to vote at such primary.

5 (b) For such primary election there shall be a general registration, inter-
6 mediate registration or revision of the registry, as the case may be, in accord-
7 ance with the election law in force in such city or village, the same as if such
8 primary election was a general municipal election, and for the purposes and
9 requirements of registration, such primary election shall be considered a gen-
10 eral municipal election.

11 (c) In all special elections and special primary elections held under this
12 Act, if the election law in force in such city or village, in regard to special elec-
13 tions, shall require general registration, intermediate registration, or revision
14 of the registry, as the case may be, for such special elections, the same shall
15 thereupon be had; and if the election law in force in such city or village re-
16 quires registration as a condition precedent to voting at such special elections,
17 and general registration, intermediate registration or revision of registry, as
18 above provided, is had for such special elections, only registered voters shall
19 be allowed to vote: *Provided, however,* that if such election law requires regis-
20 tration as a condition precedent to voting at such special elections, and no gen-
21 eral registration, intermediate registration or revision of registry is had for
22 such special election, so as to give all legal voters who are not registered an
23 opportunity to register, then such legal voters who are not registered may vote
24 upon filing the affidavits as provided in subdivision *d* of this section.

25 (d) If the election law in force in such city or village in regard to spe-
26 cial elections does not require general registration, intermediate registration or
27 revision of the registry, the same shall not be required: *Provided, however,*
28 the books of registry of the last general registration, intermediate registration
29 or revision of registry, as the case may be, shall be used at such special elec-
30 tions, and no vote shall be received at any such special election, if the name
31 of the person offering to vote shall not be on said books of registry, unless the
32 person offering to vote shall furnish to the judges of election his affidavit in

33 writing, stating therein his residence, with street and number (if any), age,
34 nativity, length of residence in the State, county and district, and that he is an
35 inhabitant of the district and entitled to vote therein at such special election,
36 and proves by the written oath of a householder and registered voter of the
37 district in which he offers to vote, that he knows such person to be an inhabi-
38 tant of said district (and if a city or village having street and numbers) giv-
39 ing the street and number of such person within said district, and that he is
40 entitled to vote at said election; the intent of this subdivision *d* being that no
41 legal voter, where registration is not required as above, shall be deprived of
42 his vote by reason of his name not being on the books of registry.

Sec. 16. The two candidates receiving the highest number of votes for
2 mayor shall be the candidates and the only candidates whose names shall be
3 placed upon the ballot for mayor at the next succeeding general or special
4 municipal election, and the eight candidates receiving the highest number of
5 votes for commissioners, or all such candidates if less than eight, shall be
6 the candidates and the only candidates whose names shall be placed upon the
7 ballot for commissioners at such municipal election: *Provided*, that nothing
8 contained in this Act shall be construed as preventing an elector, either at the
9 primary election or general or special municipal election, held under this Act,
10 from writing in the names of the candidate or candidates of his choice in a
11 blank space on said ticket, and making a cross opposite thereto in accordance
12 with the election law in force in said city or village.

Sec. 17. If, upon the canvass of the returns of said primary election by
2 the canvassing board, it shall appear that more than the number of persons
3 to be nominated for the office of mayor or of commissioners have the highest
4 and an equal number of votes for the nomination for the same office, the said
5 canvassing board shall decide by lot which of such persons shall be nominated.
6 In such case such canvassing board shall issue notice in writing to such person

7 or persons of such vote, stating therein the place, the day (which shall not be
8 more than five (5) days thereafter), and the hour when such nomination shall
9 be so determined.

Sec. 18. Any candidate whose name appears upon the primary ballot at
2 any primary election held under this Act may contest the election of the can-
3 didate or candidates nominated upon the face of the returns, which contest and
4 the mode of procedure therein shall be as follows:

5 (a) Authority and jurisdiction are hereby vested in the county court or
6 in the judge thereof in vacation, or in the circuit court or in the judge or
7 judges thereof in vacation, to hear and determine primary contests. Where a
8 petition to contest a primary shall be filed in the office of the clerk of the court,
9 such petition shall forthwith be presented to the judge thereof, who shall note
10 thereon the day presented, and shall also note thereon the day when he will
11 hear the same, which shall not be more than five (5) days thereafter, and shall
12 order issuance of summons to each defendant named in the petition.

13 (b) Summons shall forthwith issue to each defendant named in the peti-
14 tion and shall be served in the same manner as is provided in cases in
15 chancery. The case may be heard and determined by the county or circuit
16 court in term time, or by the judge or judges thereof in vacation, at any time
17 not less than three days after service of process, and shall have preference
18 in the order of hearing to all other cases. The petitioner shall give security
19 for costs.

20 (c) If, in the opinion of the court, or the judge thereof, in which the
21 petition is filed, the grounds for contest alleged are sufficient in law, the court
22 shall proceed in a summary manner and may hear evidence, examine the re-
23 turns, recount the ballots, and make such orders and enter such judgments as
24 justice may require. The court shall ascertain and declare by a decree, as in
25 chancery, to be entered of record in the proper court, the result of such elec-

tion in the city or village for which the contest is made. The judgment or decree of the trial court shall be final. A certified copy of such decree shall forthwith be made by the clerk of the court and transmitted to the city or village clerk or clerk of the board of election commissioners, as the case may be, at least three days before election, who shall in such case be governed accordingly.

(d) If the candidate nominated at such primary should die or withdraw before the general municipal election, the vacancy caused thereby shall be filled by the placing of the name of the candidate, if for the office of mayor, receiving the third highest number of votes, and if for the office of commissioner, the candidate receiving the ninth highest number of votes at such primary, and so on in case of the death or withdrawal of more than one candidate.

(e) All general and special municipal elections in said city or village shall be held, conducted and contested under the election law in force in such city or village, except as herein otherwise provided.

All general or special municipal elections in said city or village shall be held, conducted and contested under the election law in force in such city or village, except as herein otherwise provided.

Sec. 19. Upon the ballots for the general or special municipal election the names of the candidates for mayor nominated at such primary election, arranged alphabetically, shall first be placed with a square to the left of each name, and immediately above the names, and following the name of the office, the words "Vote for one" shall be placed.

Following such names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioners, nominated at such primary election, with a square to the left of each name, and above the name of such candidates and immediately following the name of the office, shall appear the words "Vote for four."

11 The said ballots shall be printed upon plain, substantial white paper, and
 12 shall comply with the election laws in force in such city or village, except as
 13 herein otherwise provided, and shall be headed:

14 CANDIDATES FOR THE ELECTION FOR MAYOR AND COMMIS-
 15 SIONERS OF THE CITY (OR VILLAGE) OF.....AT
 16 THE GENERAL (or SPECIAL) MUNICIPAL ELECTION, but such ballots
 17 shall have no party, platform or principle designation or appellation or marks
 18 whatever, nor shall any circle be printed thereon at the head of the ballot. The
 19 ballots shall be in substantially the following form:

20 OFFICIAL BALLOT.

21 CANDIDATES FOR THE ELECTION FOR MAYOR AND COMMIS-
 22 SIONERS OF THE CITY (OR VILLAGE) OF.....AT
 23 THE GENERAL (or SPECIAL) MUNICIPAL ELECTION.

FOR MAYOR.

(Vote for one.)

☐ JOHN JONES.

☐ JAMES SMITH.

FOR COMMISSIONERS.

(Vote for four.)

☐ WILLIAM BURKE.

☐ GEORGE MILLER.

☐ THOMAS WILLIAMS.

☐ EDWARD STUART.

☐ ROBERT BUCK.

☐ HARRY BROWN.

☐ JOSEPH TROUT.

☐ ARTHUR ROBBINS.

24 Such ballots shall be authenticated and attested on the back thereof in the
25 same manner and form as provided by the election law in force in such city
26 or village.

27 Sample ballots shall also be printed and supplied in accordance with the
28 election law in force in such city or village.

PENALTIES FOR ELECTION FRAUDS.

Sec. 20. Any person who shall agree to perform any service in the inter-
2 est of any candidate for any nomination or election for any office provided in
3 this Act, in consideration of any money or other valuable thing, or for the
4 “treats,” or for any appointment to any office or employment under such city
5 or village, for such service performed in the interest of any such candidate, or
6 any candidate who shall make a promise of money or other valuable thing, or
7 to appoint any person to an office in the event of the nomination or election
8 of such candidate, in consideration of such person performing any service in
9 the interest of said candidate, upon conviction thereof, shall be punished by a
10 fine not exceeding three hundred dollars (\$300) or be imprisoned in the county
11 jail not exceeding thirty (30) days, or both, in the discretion of the court.

Sec. 21. Any person offering to give a bribe, either in money or other
2 consideration, or in the form of treating, or by agreement to appoint to any
3 office or employment under such city or village to any elector for the pur-
4 pose of influencing his vote at any election provided for in this Act, or any
5 elector entitled to vote at any such election requesting, receiving or accepting
6 such bribe, money, other consideration or treats, or agreeing to vote or support
7 any candidate in consideration that he be appointed to an office or employ-
8 ment under such city, shall be deemed guilty of a misdemeanor and, upon con-
9 viction, shall be fined a sum not less than one hundred dollars (\$100) nor
10 more than five hundred dollars (\$500) or be imprisoned in the county jail not
11 less than ten nor more than ninety days, or both, in the discretion of the court.

POWERS OF THE COUNCIL.

Sec. 22. Every such city or village shall be governed by a council, consisting of the mayor and four commissioners, as provided in this Act, each of whom shall have the right to vote on all questions coming before the council. Three members of the council shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is provided for by this Act. Upon every vote the "yeas" and "nays" shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before a vote is taken thereon, and all the commissioners, including the mayor, present at any meeting shall vote thereon.

The mayor shall preside at all meetings of the council. He shall have no power to veto any measure, motion, resolution or ordinance, but every resolution, ordinance and measure passed by the council must be signed by the mayor, or by two commissioners, and be recorded before the same shall be in force.

Sec. 23. The council shall have and possess, and the council and its members shall exercise all executive and legislative powers and duties now had, possessed and exercised by the mayor, city council, president and board of trustees of villages, board of library trustees, city clerk, city attorney, city engineer, city treasurer, city comptroller and all other executive, legislative and administrative officers in cities or villages now or hereinafter organized and incorporated under the general incorporation law of the State of Illinois for the incorporation of cities and villages, except that in each city or village organized under and adopting the provisions of this Act the board of local improvements, provided for, in and by an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, and all Acts amendatory thereto, shall be and remain a separate and distinct

body, with all the rights, powers, duties and authority in said Act contained, and except also, that nothing herein contained shall apply or extend or pertain to or in any way affect the park and driveway officers now or hereafter elected under the particular laws pertaining thereto, and except also that nothing contained in this Act shall in any way extend or pertain to or affect any public school law in operation in any municipality which may adopt this Act, anything in this present Act contained to the contrary notwithstanding.

The executive and administrative powers, authority and duties in such cities and villages shall be distributed into and among five departments, as follows:

1. Department of public affairs.
2. Department of accounts and finances.
3. Department of public health and safety.
4. Department of streets and public improvements.
5. Department of public property.

The council shall, by ordinance, determine the powers and duties of, and to be performed by, each department and assign them to the appropriate departments; shall prescribe the powers and duties of officers and employes and may assign employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city or village.

Sec. 24. The mayor shall be commissioner of public affairs and as such be superintendent of that department; and the council shall, at the first regular meeting after election of its members, designate by a majority vote, one commissioner to be commissioner of accounts and finances, who shall be superintendent of that department; one to be commissioner of public health and safety, who shall be superintendent of that department; one to be commissioner of

7 streets and public improvements, who shall be superintendent of that depart-
8 ment, and who *ex officio* shall be commissioner of public works; and one to be
9 commissioner of public property, and as such to be superintendent of that
10 department; but such designation may be changed by the council whenever it
11 appears that the public service would be benefited thereby. The council, by a
12 majority vote, may, in their discretion, at such first meeting or as soon as prac-
13 ticable thereafter, elect, by a majority vote, the following officers: City clerk,
14 corporation counsel, city attorney, assistant city attorney, treasurer, comptrol-
15 ler, city physician, chief of police, chief of fire department, harbor master, mar-
16 ket master, three library trustees and the necessary officers to fill the offices pro-
17 vided for by the Local Improvement Act, known as "An Act concerning local
18 improvements," approved June 14, 1897, in force July 1, 1897: *Provided*, that
19 the commissioner of streets and public improvements under this Act shall be
20 *ex officio* the commissioner of public works and a member of the board of
21 local improvements as and when provided for by said Act concerning local
22 improvements.

23 Any officer or assistant or employe elected or appointed by the council may
24 be removed from office at any time by a vote of a majority of the members of
25 the council, except as otherwise provided in this Act.

Sec. 25. The council shall have the power, by ordinance, from time to
2 time, to create, fill and discontinue offices and employment other than herein
3 prescribed, according to their judgment of the needs of the city or village;
4 and may, by majority vote of all the members, remove any such officer or em-
5 ploye appointed by them, except as otherwise provided for in this Act; and
6 may, by resolution or otherwise, prescribe, limit or change the compensation
7 of all appointive officers or employes.

CIVIL SERVICE.

Sec. 26. In all cities or villages which have heretofore or shall hereafter
2 adopt an Act entitled, "An Act to regulate the civil service of cities," ap-
3 proved and in force March 20, 1895, the council shall not have the right, power
4 or authority to appoint or discharge any officer, assistant or employe, except
5 in accordance with such Act: *Provided, however,* the council shall have the
6 power to remove officers who are elected by the council pursuant to law, judges
7 and clerks of election, heads of any principal department of the city subordi-
8 nate to any of the departments provided for in sections 23 and 24 of this Act.
9 Nothing herein contained shall be construed to prevent any city adopting
10 this Act from adopting "An Act to regulate the civil service of cities," ap-
11 proved and in force March 20, 1895, and all amendatory Acts thereto, but such
12 city may adopt such Act in the manner in that Act provided.

Sec. 27. The council shall have the right, power and authority to appoint
2 the heads of all principal departments, subordinate to the departments provided
3 for in sections 23 and 24 of this Act.

Sec. 28. In all cities or villages which have heretofore or shall hereafter
2 adopt an Act entitled, "An Act to regulate the civil service of cities," ap-
3 proved and in force March 20, 1895, all officers, assistants and employes of
4 such city, except those mentioned in sections 23, 24 and 27, and within the pro-
5 viso of section 26 of this Act, shall be appointed by the commissioner of
6 each department mentioned in section 23 in accordance with such Act entitled,
7 "An Act to regulate the civil service of cities," approved and in force March
8 20, 1895; and in all cities or villages which have not heretofore or shall not
9 hereafter adopt such civil service Act, all such officers, assistants and employes
10 shall be appointed by the commissioner of each department specified in section
11 23 and may be discharged by him when, in his judgment, the efficient conduct of
12 the city's affairs shall demand it.

Sec. 29. Any officer, assistant or employe who shall have been elected or
2 appointed by the council in accordance with the provisions of this Act may
3 be removed from office at any time by a vote of a majority of the members of
4 such council, except as otherwise provided for in this Act or by law.

SALARIES.

Sec. 30. The mayor and each of the commissioners shall have an office at
2 the municipal building or rooms, and shall devote such time to the duties of
3 their respective offices as a faithful discharge thereof may require: *Provided*,
4 that in cities of twenty thousand (20,000) population and over the mayor and
5 the commissioners shall devote at least six hours daily to the performance of
6 their official duties; and their total and only compensation for the performance
7 of their several and respective duties shall be annual salaries which shall be
8 fixed by the council and which shall not exceed as follows, to-wit:

9 Where the population is not over 2,000, the annual salary of the mayor
10 may be \$50.00, and of each commissioner \$40.00.

11 Where the population is over 2,000, and not over 5,000, the
12 annual salary of the mayor may be \$250.00, and of each commis-
13 sioner \$100.00.

14 Where the population is over 5,000, and not over 10,000, the annual sal-
15 ary of the mayor may be \$600.00, and of each commissioner \$400.00.

16 Where the population is over 10,000, and not over 15,000, the annual salary
17 of the mayor may be \$1,200.00, and of each commissioner \$900.00.

18 Where the population is over 15,000, and not over 20,000, the annual salary
19 of the mayor may be \$2,000.00, and of each commissioner \$1,700.00.

20 Where the population is over 20,000, and not over 30,000, the annual salary
21 of the mayor may be \$2,500.00, and of each commissioner \$2,000.00.

22 Where the population is over 30,000, and not over 40,000, the annual salary
23 of the mayor may be \$3,500.00, and of each commissioner \$3,000.00.

24 Where the population is over 40,000, and not over 60,000, the annual salary
25 of the mayor may be \$4,000.00, and of each commissioner \$3,500.00.

26 Where the population is over 60,000, and not over 80,000, the annual salary
27 of the mayor may be \$4,500.00, and of each commissioner \$4,000.00.

28 Where the population is over 80,000, and not over 100,000, the annual sal-
29 ary of the mayor may be \$5,000.00, and of each commissioner, \$4,500.00.

30 Where the population is over 100,000, and not over 200,000, the annual
31 salary of the mayor may be \$6,000.00, and of each commissioner \$5,500.00.

32 All such annual salaries shall be payable in equal monthly installments,
33 and, where the number of inhabitants is referred to in this section, it shall
34 mean the number of inhabitants according to the State or federal census last
35 preceding the election of the mayor and commissioners.

Sec. 31. All other officers, assistants or employes of such city or village
2 shall receive such salary or compensation as the council thereof shall by ordi-
3 nance provide, payable monthly or at such shorter periods as the council may
4 determine, but no change shall be made in said salaries during the six months'
5 period preceding any regular biennial election.

MEETINGS AND ORDINANCES.

Sec. 32. Regular meetings of the council shall be held on the first Monday
2 after the mayor and commissioners shall have entered upon the performance
3 of their respective official duties, and thereafter at least once each week. The
4 council shall provide by ordinance for the holding of regular meetings, and
5 special meetings may be called from time to time by the mayor or two commis-
6 sioners upon giving not less than twenty-four hours' notice to all members of
7 the council: *Provided, however,* that if all members of the council are present
8 at such special meeting no notice of such meeting shall be necessary. All
9 meetings of the council, whether regular or special, shall be open to the public.

10 The mayor shall be president of the council and preside at its meetings,
11 and shall supervise all departments and report to the council for its action all
12 matters requiring attention in any department. The commissioner of ac-
13 counts and finance shall be vice president of the council, and in case of vacancy
14 in the office of mayor or the absence or inability of the mayor, shall perform
15 the duties of mayor.

Sec. 33. Every ordinance or resolution appropriating any money or or-
2 dering any street improvement or sewer, or making or authorizing the making
3 of any contract or granting any franchise, right or license to occupy or use the
4 streets, alleys, highways, bridges, viaducts, public property or public places in
5 the city or village for any purpose, shall remain on file with the city or village
6 clerk for public inspection, complete in form in which it is finally passed,
7 at least one week before the final passage or adoption thereof.

Sec. 34. Every grant of any franchise, right or license to occupy or use the
2 streets, alleys, highways, bridges, subways, viaducts, public property or public
3 places for aerial way, interurban, suburban, subway, elevated or street rail-
4 ways, gas, water works, electric light, power plants, heating plants, telegraphs,
5 telephone systems or other public service utilities within said city or village,
6 must be authorized or approved by a majority of the electors voting thereon
7 at a general or special election as provided herein, except as otherwise provided
8 in section 4 of this Act.

Sec. 35. Upon the passage of any ordinance or ordinances by the council
2 granting any franchise, right or license specified in section 34 of this Act, the
3 same shall forthwith be submitted to a vote of the electors of said city or vil-
4 lage at a special election called by such council for such purpose, and notice of
5 which shall be given in the same manner and form and within the same time
6 by the same persons as notices of special elections within said city or village are

7 required to be given under the election law in force in such municipality, except
8 as otherwise provided in this Act.

9 The ballots used when voting upon said ordinance or ordinances shall con-
10 tain these words: "Shall the city or village (name of city or village)
11adopt the ordinance (stating the nature of the proposed ordi-
12 nance)?"

13 The proposition or propositions to be voted upon shall appear in plain,
14 prominent type, and on a separate and distinct ballot, and the names of no
15 candidates for any office or offices, nor any other proposition or propositions
16 except those authorized under this Act, shall appear thereon, and such ballot
17 and the manner of voting the same shall substantially comply with section 16,
18 and all amendments thereto, of an Act entitled, "An Act to provide for the
19 printing and distribution of ballots at public expense, and for the nomination
20 of candidates for public offices, to regulate the manner of holding elections and
21 to enforce the secrecy of the ballot, approved June 22, 1891, in force July 1,
22 1891."

23 *Provided*, that two or more such ordinances specified in section 34 may be
24 submitted at the same time and upon the same ballot: *Provided, further*, that
25 any one or more ordinances, as hereinafter provided for in sections 47 and 48,
26 may be submitted at such election upon the same ballot, if all the other require-
27 ments of this Act relative to such proposed ordinance or ordinances shall have
28 been complied with.

29 The style of all ordinances passed by municipalities adopting this Act shall
30 be: "Be it ordained by the council of the city (or village) of"

Sec. 36. No special election shall be called for the approval or rejection
2 of any ordinance mentioned in sections 34 and 35, if a general municipal elec-
3 tion provided for by law occurs within ninety days after the passage thereof,
4 in which case such ordinance or ordinances shall be submitted to a vote of the

5 electors of said city or village, at such general municipal election in manner
6 and form as provided herein.

7 If a majority of the qualified electors, either at a general or special election,
8 voting on such ordinance or ordinances respectively, shall vote in favor thereof,
9 such ordinance or ordinances shall thereupon become a valid and binding ordi-
10 nance of the municipality.

OFFICERS NOT TO BE INTERESTED IN CITY CONTRACTS.

Sec. 37. No mayor, commissioner, officer, assistant or employe elected or
2 appointed in any such city or village shall be interested, directly or indirectly,
3 in any contract or job for work or materials, or profits thereof, or services to
4 be furnished or performed for the city or village, and no mayor, commissioner,
5 officer, assistant or employe shall be interested, directly or indirectly, in any
6 contract or job for work or materials, or the profits thereof, or services to be
7 furnished or performed for any person, firm or corporation, operating aerial-
8 way, interurban, suburban, subway, elevated or street railways, gas works,
9 water works, electric light plants, power plants, heating plants, telegraph or
10 telephone lines, systems or exchange, or other public utility wholly or partly
11 within the territorial limits of said city or village. No mayor, commissioner,
12 officer, assistant or employe shall request, accept or receive, directly or indi-
13 rectly, from any person, firm or corporation owning, operating or leasing
14 within or partly within the territorial limits of said city or village any
15 aerial-way, interurban railway, suburban railway, subway railway, elevated
16 railway or street railway, gas works, water works, electric light plant, power
17 plant, heating plant, telegraph lines or systems, telephone lines, system or ex-
18 change, or other public service utility operating under any grant or franchise,
19 license or right, or from any steamboat, ship, tug or ferry line leaving or
20 entering or operating within said city or village, any employment, for hire or
21 otherwise, or any frank, free ticket, pass, or free service, either for himself

22 family, relatives or any other person, or request, accept or receive, directly or
23 indirectly, from any such person, firm or corporation, any other service upon
24 terms more favorable than is granted to the public generally.

25 Any violation of this section shall be a misdemeanor and punished by a
26 fine not less than \$100.00 nor more than \$500.00, and shall be ground for re-
27 moval from office or employment.

28 Such prohibition of free transportation shall not apply to policemen or
29 firemen in uniform, nor shall any free service to city or village officials or em-
30 ployes heretofore provided by any franchise, or license, be affected by this
31 section.

32 Any officer or employe of such city or village who in any manner con-
33 tributes money, labor or other valuable thing to any person for election pur-
34 poses shall be guilty of a misdemeanor, and upon conviction thereof, shall be
35 punished by a fine not exceeding \$300.00 or by imprisonment in the county jail
36 not exceeding thirty days, or both, at the discretion of the court.

Sec. 38. All officers, assistants and employes in any such municipality
2 shall be elected or appointed in accordance with this Act with reference to their
3 qualifications and fitness and for the good of the public service, and without
4 reference to their political or religious faith or party affiliations.

5 Any candidate for any office authorized to be voted for under this Act, who
6 shall, directly or indirectly, enter into any understanding or agreement to do or
7 not to do any official act in the event of his election to the benefit or advantage of
8 any person, firm, corporation or association in consideration for the influence, sup-
9 port and assistance of said person, firm, corporation or association to bring
10 about the election of such candidate, shall be deemed to be guilty of giving,
11 or offering to give, a bribe, and if convicted thereof shall be punished
12 by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment
13 in the county jail not exceeding thirty days, or both, in the discretion of the

14 court, and if elected to office he shall be deemed to have resigned such office by
 15 reason of such conviction. Nothing herein contained shall be taken to prevent
 16 any candidate from publicly outlining his position or pledging his support for,
 17 or opposition to, any measure or prospective measure of a public nature.

Sec. 39. Every elective officer, elected by the electors of such city or vil-
 2 lage, shall, within thirty days after qualifying, file with the city or village clerk
 3 and publish at least once in a daily newspaper of general circulation, or if there
 4 is no daily newspaper published in such city or village, then in a weekly news-
 5 paper of general circulation published in such city or village, or if there is no
 6 weekly newspaper published in such city or village, then in some newspaper of
 7 general circulation published in the county in which such city or village is lo-
 8 cated, his sworn statement of all his election and campaign expenses (including
 9 primary election), and by whom such funds were contributed.

10 Any violation of the provisions of this section shall constitute a misde-
 11 meanor and be punished by a fine not exceeding \$500.00 or by imprisonment in
 12 the county jail not exceeding three months, or by both such fine and imprison-
 13 ment, in the discretion of the court, and shall be a ground for removal from
 14 office.

FINANCES AND APPROPRIATIONS

Sec. 40. The council shall each month print in a pamphlet form, a detailed
 2 itemized statement of all receipts and expenses of the city or village and a sum-
 3 mary of its proceedings during the preceding month, and furnish printed copies
 4 thereof to the State library, the city library, all the daily and weekly news-
 5 papers of general circulation of the city or village, and to persons who shall ap-
 6 ply therefor at the office of the city or village clerk. At the end of each year in
 7 addition to the duties prescribed in section 55 of the Act, the council shall cause
 8 a full and complete examination of all books and accounts of the city or village

9 to be made by competent accountants, and shall publish the result of such ex-
10 amination in the manner above provided for publication of statement of
11 monthly expenditures.

12 It shall be unlawful for the council or any commissioner to directly or in-
13 directly expend a greater amount for any municipal purpose than the amount
14 appropriated for such municipal purpose in the annual appropriation ordinance
15 passed for that fiscal year. A violation of this provision by any member of
16 the council shall, upon conviction thereof, subject the offender to a fine of not
17 less than \$100.00 and not to exceed \$500.00.

Sec. 41. If, at the beginning of the term of office of the first council elected
2 in such city or village under the provisions of this Act, the appropriation for
3 the expenditures of the city or village government for the current fiscal year
4 have been made, said council shall have the power by ordinance to revise, to
5 repeal or change said appropriation and to make additional appropriations in
6 the manner and within the time provided by law.

RECALL OF ELECTIVE OFFICERS.

Sec. 42. Every incumbent of an elective office, whether elected by a popu-
2 lar vote or appointed to fill a vacancy, is subject to recall and removal at any
3 time by the electors qualified to vote for a successor of such incumbent.

4 The procedure to effect the removal of an incumbent of such office shall be
5 as follows:

6 (a) A petition signed by electors entitled to vote for a successor to the
7 incumbent sought to be recalled or removed, equal in number to at least
8 seventy-five per centum of the entire vote for all candidates for the office of
9 mayor at the last preceding general municipal election, demanding an elec-
10 tion of a successor of the person sought to be removed or recalled, shall be
11 filed with the city or village clerk or clerk of the Board of Election Commis-

12 sioners, as the case may be, which petition shall contain a general statement,
13 in not more than two hundred words. of the ground for which the removal or
14 recall is sought.

15 (b) The petition shall be substantially in the following form:

16 To the clerk of the city (name of city or village), or Board of Election
17 Commissioners of the city or village of..... (as the case
18 may be):

19 We, the undersigned electors of the city or village of (name of city or vil-
20 lage), entitled to vote for a successor to (name of person), an incumbent of the
21 office of (name of office), in said city or village, do hereby demand an election
22 of a successor to said (name of person) for the following reasons, to-wit: (here
23 state reasons in not more than two hundred words).

Name	House Number (if any)	Street	Date of Signing

24 State of Illinois, }
25 County of..... } ss.

26 I,, do hereby certify and make oath (or affirm) that
27 I am upwards of the age of twenty-one years, that I reside at Number
28 Street, in the city or village of of the County.....
29 and State of Illinois, that the signatures on this sheet were signed in my pres-
30 ence, on the dates set opposite their respective names, and that the same are
31 genuine, and that to the best of my knowledge and belief the persons so sign-
32 ing were at the time of signing qualified electors, entitled to vote for a suc-
33 cessor of (here insert name of person holding office and also the title of the
34 office) and that their respective residences are cor-
35 rectly stated as above set forth.

36

37 Subscribed and sworn (or affirmed) to before me this

38 day ofA. D. 19....

39

40 (Official Character.)

41 (Seal if officer has one.)

(c) Such petition shall consist of sheets having such form printed or written at the top thereof and shall be signed by electors qualified to vote for such successor, in their own proper person only, and opposite the signatures of each petitioner shall be written by such person his residence address (stating the street and number if there be such) and the date of signing the same. No signatures shall be valid or be counted in considering such petition unless these requirements are complied with and unless the date of signing is less than four months preceding the date of filing such petition.

At the bottom of each sheet shall be added a statement, signed by a resident of the city or village in which the signers thereof reside, with his residence address as aforesaid, stating that the signatures on the sheet were signed in his presence, on the dates set opposite the respective names, and that the same are genuine and to the best of his knowledge and belief the persons so signing were at the time of signing qualified electors, entitled to vote for a successor of the incumbent sought to be removed or recalled, and in cities or villages in which voters are or may be required to be registered, that they were at time of signing said sheet duly registered, and that their respective residences are correctly stated as set forth on such sheet.

Such statement shall be sworn to before an officer residing in the county in which such city or village is located, who is qualified to administer oaths therein. Such petition, so verified, or a copy thereof duly certified by the proper persons, shall be *prima facie* evidence that the signatures, statement of residence, and dates upon such are genuine and true and that the persons signing the same are electors qualified to vote for a successor of such in-

66 cumbent and in cities and villages in which the voters are or may be required
67 to be registered, that they were at the time of the signing of such petition
68 duly registered voters.

69 (d) Such sheets shall be fastened together in one document filed as a
70 whole and when filed shall not be withdrawn or added to or altered in any
71 manner by any person. No signature shall be revoked except by a revocation
72 filed in writing with the clerk with whom the petition is required to be filed
73 and before the filing of such petition. Upon request of any person, the clerk
74 shall furnish a certified copy of such petition and names thereto, upon the
75 payment by such person to the clerk of a fee of one dollar for each 100 names
76 thereto.

77 (e) Whoever in making the sworn statement above prescribed shall
78 knowingly, wilfully and corruptly swear falsely shall be deemed guilty of per-
79 jury and on conviction thereof shall be punished accordingly. Whoever forges
80 the signatures of any person upon any petition or statement, or residence,
81 address, street or number or date of signing, shall be deemed guilty of forgery
82 and on conviction thereof, punished accordingly.

83 (f) All objections to such petition shall be filed and determined within
84 ten days after the filing of the same: *Provided*, no officer sought to be re-
85 called shall have any voice or vote in determining sufficiency of such petition.
86 All objections shall be determined by the council.

87 (g) The petition being sufficient, the clerk shall immediately after the
88 expiration of such ten days submit the same to the council without delay, and
89 the council shall order and fix the date for holding the said election, which
90 shall not be less than thirty days nor more than forty days after the expiration
91 of such ten days.

92 (h) Such election and the primary election immediately preceding the
93 same shall be considered a special election, so far as registration for voters

94 and revision of registry is concerned, but notices of and arrangements for hold-
 95 ing such election shall be the same, and such election shall be conducted, re-
 96 turned and the result thereof declared, in all respects as general municipal
 97 elections under this Act: *Provided*, the primary election for nomination of a
 98 candidate shall be held two weeks preceding such special election, and only one
 99 candidate for each officer sought to be recalled shall be nominated: *Provided*,
 100 further, that section 12 of this Act shall also apply to special primary election:
 101 *And, provided, further*, the statements and petitions of candidates may be filed
 102 not less than seven days preceding said primary election.

Sec. 43. If the officer sought to be recalled or removed, shall resign within
 2 five days after the said petition is filed with the clerk, the council shall proceed
 3 to appoint his successor, the same as in the case of other vacancies, and no
 4 election shall be held: *Provided*, the council shall have no power to appoint the
 5 person so resigning: *And, provided, further*, that unless such officer sought to
 6 be recalled resigns within said five days said recall election shall proceed.

Sec. 44. The successor of any officer so removed or resigning shall hold
 2 office during the unexpired term of his predecessor. Any person sought to be
 3 recalled or removed shall be a candidate to succeed himself, unless he shall re-
 4 sign as aforesaid, and his name shall be placed on the official ballot without
 5 nomination.

6 In any such removal or recall election the candidate receiving the highest
 7 number of votes shall be declared elected and in the primary election preced-
 8 ing the same the person receiving the highest number of votes shall be declared
 9 the nominee to oppose the present incumbent.

10 At such special election if some other person than the incumbent receives
 11 the highest number of votes, the incumbent shall thereupon be deemed re-
 12 moved from office upon the qualification of his successor. In case the party
 13 who receives the highest number of votes should fail to qualify, within ten days

14 after receiving notice of his election, the office shall become vacant, and the
 15 council shall proceed to fill the same, as in other vacancies: *Provided*, that the
 16 incumbent whose successor was elected and failed to qualify shall not be ap-
 17 pointed to fill such vacancy.

Sec. 45. No recall or removal petition shall be filed against any officer until
 2 he has actually held office for at least twelve months.

Sec. 46. No person who has been recalled or removed from an elective
 2 office, or who has resigned from such office while recall or removal proceedings
 3 were pending against him, shall be appointed or elected to any office in said city
 4 within one year after such recall or resignation.

INITIATIVE.

Sec. 47. Any proposed ordinance may be submitted to the council by pe-
 2 tition signed by electors of the city or village, equal in number to the percentage
 3 hereinafter required. The signature, verification, authentication, inspection, cer-
 4 tification and submission of such petition shall be the same as provided for pe-
 5 titions under section 42 hereof: *Provided*, such petition shall be filed with the
 6 city or village clerk.

7 If the petition accompanying the proposed ordinance be signed by electors
 8 equal in number to twenty-five per centum of the votes cast for all candidates for
 9 mayor at the last preceding general municipal election, and contains a request
 10 that the said ordinance be submitted to a vote of the people if not passed by the
 11 council, such council shall either

12 (a) Pass such ordinance without alteration within thirty days after the
 13 filing of the same with the clerk, or

14 (b) Forthwith after thirty days from the time of filing such petition, shall
 15 have expired, the council shall call a special election, unless a general municipal
 16 election occurs within ninety days thereafter, and at such special or general

17 election, such ordinance shall be submitted without alteration to the vote of the
18 electors of said city.

19 But if the petition is signed by not less than ten nor more than twenty-five
20 per centum of the electors above defined, then the council shall within thirty
21 days after such petition is filed, pass said ordinance without change or submit
22 the same at the next general municipal election occurring not more than ninety
23 days after the filing of such petition.

24 The ballots used when voting upon said ordinance shall contain these words
25 "Shall the ordinance (stating the nature of the proposed ordinance) be
26 adopted," and shall otherwise comply with section 16, and the amendments
27 thereto, of an Act entitled "An Act to provide for the printing and distribution
28 of ballots at public expense, and for the nomination of candidates for public
29 offices, to regulate the manner of holding elections, and to enforce the secrecy
30 of the ballot, approved June 22, 1891, in force July 1, 1891." Such proposition
31 shall be submitted on a separate and distinct ballot, except as otherwise provided
32 in this Act.

33 If a majority of the qualified electors voting on the proposed ordinance
34 shall vote in favor thereof, such ordinance shall thereupon become a valid and
35 binding ordinance of the city; and any ordinance proposed by petition or
36 which shall be adopted by a vote of the people, can not be repealed or amended
37 except by a vote of the people.

38 Any number of proposed ordinances may be voted upon at same election, in
39 accordance with the provisions of this section; but there shall not be more than
40 one special election in any period of six months for such purpose alone: *Pro-*
41 *vided, however,* two or more proposed ordinances may be submitted separately
42 on the same ballot.

43 The council may submit a proposition for the repeal of any ordinance
44 or for amendments thereto, to be voted upon at any succeeding general city or
45 village election; and should such proposition so submitted receive a majority

46 of the votes cast thereon at such election, such ordinance shall thereby be re-
 47 pealed or amended accordingly. Whenever any ordinance or proposition is re-
 48 quired by this Act to be submitted to the voters of the city or village at any elec-
 49 tion, the city or village clerk shall cause such ordinance or proposition to be
 50 published once in each of the daily newspapers of general circulation published
 51 in said city or village, or, in case there is no daily newspaper published in said
 52 city or village, then once in each weekly or semi-weekly newspaper published in
 53 said city or village, and if there is no newspaper published in said city or vil-
 54 lage, then by posting a printed copy of such ordinance or proposition in each of
 55 the voting precincts in such city or village, or, as near as possible to the polling
 56 place therein; such publication or posting to be not more than twenty nor less
 57 than five days before the submission of such proposition or ordinance to be voted
 58 upon.

REFERENDUM.

Sec. 48. No ordinance passed by the council, except when otherwise re-
 2 quired by the general laws of the State or by the provisions of this Act, except
 3 an ordinance for the immediate preservation of the public peace, health or
 4 safety, which contains a statement of its urgency and is passed by a two-thirds
 5 vote of the council, shall go into effect before thirty days from the time of its
 6 final passage, and if during said thirty days a petition signed by the electors
 7 of the city or village equal in number to at least ten per centum of the entire
 8 vote cast for all candidates for mayor at the last preceding general municipa^l
 9 election at which a mayor was elected, protesting against the passage of such
 10 ordinance, be presented to the council, the same shall thereupon be suspended
 11 from going into operation, and it shall be the duty of the council to reconsider
 12 such ordinance; and if the same is not entirely repealed, the council shall sub-
 13 mit the ordinance as provided in sub-section (b) of section 47 of this Act, to a
 14 vote of the electors of the city or village, either at the general election or at a

15 special election to be called for that purpose; and if such petition protesting
 16 against the said ordinance is filed then such ordinance shall not go into effect
 17 or become operative unless a majority of the qualified electors voting on the
 18 same shall vote in favor thereof. But in the event of no such petition being
 19 filed protesting against such ordinance, then such ordinance shall be in full
 20 force and effect." Said petition shall be in all respects in accordance with the
 21 provisions of said section 47, except as to the percentage of signers.

Sec. 49. Any city or village which shall have operated for more than four
 2 (4) years under the provisions of this Act may abandon such organization
 3 hereunder and accept the provisions of the general law of the State then ap-
 4 plicable to cities and villages, by proceeding as follows:

5 Upon the petition of not less than twenty-five per cent of the electors of
 6 such city the following proposition shall be submitted to a general municipal
 7 election, to-wit: "Shall the city of.....(or the village of
 8) abandon its organization under the commission form of
 9 municipal government and become a city (or village) under the general law."
 10 If a majority of the votes cast at such election be in favor of such proposition,
 11 the officers elected at the next succeeding annual city or village election shall
 12 be those then prescribed by the Act to which this Act is an amendment, and
 13 upon the qualification of such officers, such municipality shall become a city or
 14 village as it was at the time of the adoption of this Act by such city or village;
 15 but, such change shall not in any manner or degree affect the property, rights
 16 or liabilities of any nature of such municipality, but shall merely extend to
 17 such change in its form of government. The first set of aldermen or president
 18 and board of trustees so elected shall be the same number as provided for in
 19 such municipality at the time of its adoption of this Act, with the same ward
 20 and precinct boundaries, and shall also have the same elective officers as be-
 21 fore.

22 The petition contemplated by this section shall be the same, the election
23 ordered and conducted and the results declared generally as provided for in
24 , section 42 of this Act, in so far as the provisions thereof may be applicable.

MISCELLANEOUS PROVISIONS.

Sec. 50. Every public service corporation or utility shall furnish and provide
2 equal and uniform service alike to all citizens of any city or village adopting the
3 provisions of this Act, and it shall be unlawful and a sufficient ground for the
4 forfeiture of any franchise for any such corporation to grant free service, or
5 furnish better service, or to furnish service at a lower price or rate, quantity and
6 quality considered to any person or persons, or otherwise discriminate in the mat-
7 ter of rates of service between citizens of any such city or village adopting the
8 provisions of this Act. Upon proof being received by the council that this section
9 is being violated, they shall at once summon witnesses and investigate, and if
10 they so find then it shall be their duty to immediately cause suit to be instituted
11 to have such franchise forfeited: *Provided, however,* the council shall have
12 power by ordinance to grant any such corporation or utility the right to grant re-
13 duced rates to persons specified in such ordinance: *And, provided,* that the coun-
14 cil may, by ordinance, authorize any street railway or interurban railway to
15 transport free any member of the police or fire department of said city within
16 the corporate limits thereof, and to authorize the giving of such free transpor-
17 tation in other cases, when the same shall not be in conflict with section 37 of
18 this Act, and the general law of the State, which shall control and govern
19 this sub-division. And when the same shall not conflict with the provisions
20 of an Act of Congress entitled, "An Act to regulate commerce," approved
21 February 4, 1887, and the Act amendatory thereof approved June 29, 1906,
22 and all other Acts amendatory thereto.

23 Any person, firm or corporation, its agents or officers thereof violating the
24 provisions of this section, and any person, firm or corporation accepting the

25 preference herein named, shall be punished by a fine of not less than one hun-
26 dred dollars (\$100), nor more than five hundred dollars (\$500), or by imprison-
27 ment in the county jail not less than three (3) months nor more than one (1)
28 year, or by both such fine and imprisonment, in the discretion of the court:
29 *Provided*, that any person receiving special favors or privileges referred to in
30 section 50, shall be immune from punishment in case he testifies to any matter
31 referred to therein in pursuance of subpoena from said municipal authorities.

TREASURER.

Sec. 51. In addition to the other duties now imposed by law upon the
2 treasurer of any city or village, the said treasurer shall make daily deposits of
3 such sums of money as shall be received by him from all sources of revenue
4 whatsoever, to his credit as treasurer of said city or village, in one or more banks
5 situated in said city or village, to be selected by the president of said council,
6 the commissioner of accounts and finance, and the treasurer of such city or
7 village, or by any two of them, and any such bank, before any such deposit is
8 made therein, shall be required to enter into an obligation with the said council
9 to pay into the treasury of such city or village interest on the monthly bal-
10 ances of such deposits at a rate to be fixed by the president of said council, the
11 commissioner of accounts and finance, and the treasurer, or by any two of them,
12 and which rate may be changed in the same manner—such rate to be not less
13 than three (3) per centum per annum, and shall also execute a good and suffi-
14 cient bond, with sureties to be approved by the president of said council, and
15 conditioned that such bank will safely keep and account for, and pay over said
16 money. Said president of the council, the commissioner of accounts and
17 finance and the treasurer, in the selection of any such depository bank, shall
18 take into consideration the reputation and solvency thereof, and the sufficiency
19 of the security offered by such bank. All interest paid by any such bank upon
20 such balances shall be collected by the treasurer of said city or village, and shall

21 be by him reported in his next statement following such collection, and shall
22 be considered and treated as part of the general fund of such city or village, sub-
23 ject to use for any legitimate municipal purpose.

Sec. 52. Neither the mayor or any commissioner elected under the pro-
2 visions of this Act shall be interested directly or indirectly in any public service
3 corporation, nor shall such mayor or commissioner be interested directly or
4 indirectly in any franchise, grant or privilege conferred by city or village where-
5 in he holds office. Nor shall any such mayor or commissioner have been in-
6 terested directly or indirectly in any public service corporation or in any
7 grant, franchise or privilege granted by said city or village, within two years
8 prior to the date of his election as such mayor or commissioner.

9 Any mayor or such commissioner assuming office subject to the disqualifi-
10 cations of this section shall be deemed guilty of a misdemeanor, and shall be
11 punishable by a fine not less than one thousand dollars (\$1,000.00) nor more
12 than five thousand dollars (\$5,000.00), or by imprisonment in the county jail of
13 not less than three (3) months nor more than one (1) year, or by both such fine
14 and imprisonment in the discretion of the court.

Sec. 53. The council is hereby granted full power and authority to make
2 proper regulations for due inspection of all plants and machinery of any per-
3 son, firm or corporation exercising or enjoying any right, grant or franchise
4 from any city or village adopting the provisions of this Act. And such council
5 and their authorized agents shall have the right to make all necessary ex-
6 aminations of any plant, appliances or apparatus for the purpose of making
7 necessary tests to see that such firm, person or corporation comply with the
8 regulations of such council with reference to the quality and character of the
9 commodity furnished. Said council shall have the power to specify, determine
10 and regulate the quality and character of gas and electricity furnished to it
11 and to the citizens of such city by any person, firm or company furnishing elec-

12 tricity or illuminating or fuel gas; and such cities and villages shall have full
13 power and authority to do and perform all acts necessary to carry out and give
14 full force and effect to the provisions of this section.

Sec. 54. All contracts, of whatever character, pertaining to public im-
2 provement, or the maintenance of public property of any city or village, in-
3 volving an outlay of as much as five hundred dollars (\$500.00) shall be based
4 upon specifications to be prepared and submitted to, and approved by the
5 council, and after approval by the council, advertisement for the proposed
6 work, or matters embraced in said proposed contract, shall be made, inviting
7 competitive bids for the work proposed to be done; which said advertisement
8 shall be put in a daily newspaper not less than ten times. All bids submitted
9 shall be sealed, shall be opened by the mayor in the presence of a majority of
10 the council and shall remain on file in the mayor's office and be opened to pub-
11 lic inspection for at least forty-eight hours before any award of said work is
12 made to any competitive bidder. The council shall determine the most ad-
13 vantageous bid for the city, and shall enter into contract with the party sub-
14 mitting the lowest secure bid, but shall always, in every advertisement of pub-
15 lic work or contract involving as much as five hundred dollars (\$500.00), reserve
16 the right to reject any and all bids. Pending the advertisement of the work or
17 contract proposed, specifications therefor shall be on file in the office of the
18 mayor, subject to the inspection of all parties desiring to bid.

Sec. 54½. The city council shall select some secular English daily news-
2 paper published in such city, if there be such, and if not some secular English
3 weekly newspaper published in such city, if there be one, to be the "official news-
4 paper" for such city. All notices, advertisements, reports, proceedings and
5 miscellaneous matters required to be published by the terms of this Act shall be
6 published in such "official newspaper." Such paper shall be selected by com-
7 petitive bidding in the same manner as it is herein provided other contracts may

8 be let, and in determining which bidder is the lowest, the local circulation of
9 each of said newspapers shall be a determining element.

OATHS AND BONDS.

Sec. 55. The mayor and commissioners and all officers, elected or ap-
2 pointed, shall, before entering upon the duties of their respective offices, take
3 and subscribe the oath or affirmation prescribed by the constitution; which oath
4 or affirmation, so subscribed, shall be filed in the office of the city or village
5 clerk.

Sec. 56. The mayor and each commissioner, city or village clerk and city
2 or village treasurer, and such other officers and employes as the council may
3 designate by ordinance, shall, before entering upon the duties of their re-
4 spective offices, execute bond with good and sufficient security to be approved
5 by the council, payable to the city or village in such penal sum as may, by
6 resolution or ordinance, be directed, conditioned for the faithful performance
7 of the duties of the office and the payment of all moneys received by such offi-
8 cer, according to law and the ordinance of said city or village: *Provided, how-*
9 *ever,* the bonds of the mayor and of the commissioners shall be approved by the
10 judge of the county court of the county in which such city or village or the
11 greater part thereof is located, and shall not be fixed at a less sum than three
12 thousand dollars (\$3,000.00).

13 The bonds of the mayor and commissioners shall be filed in the office of
14 the county clerk of such county and be by him recorded in his office and care-
15 fully preserved.

16 The bonds of all other officers of such city or village (except the city or
17 village clerk) shall be filed in the office of the city or village clerk, and be by
18 him recorded in his office and carefully preserved. The bond of the city or
19 village clerk shall be filed in the office of the city or village treasurer and be
20 by him recorded in such office and carefully preserved: *Provided, further,* the

21 treasurer's bond shall in no case be fixed at a less sum than the amount of the
 22 estimated taxes, special assessments, special taxes, license fees and receipts of
 23 the city or the city or village from all sources for the current year.

Sec. 57. Any town or village or city having a special charter or any area of
 2 contiguous territory not exceeding two square miles, which shall have resident
 3 thereon a population of at least 300 inhabitants and which is not included in the
 4 limits of any incorporated town, village or city which may take steps to or-
 5 ganize as a village or city under the Act to which this is an amendment, in addi-
 6 tion to voting upon said proposition to so organize, shall also vote at the same
 7 election upon the question of adopting this Act and shall have printed on the
 8 same ballot a proposition in the following form:

"Shall the city (or village, as the case may be) of (here insert the name of such city or village) adopt the commission form of municipal government?"	Yes.	
	No.	

9 Such proposition shall be voted upon in the manner as near as may be pro-
 10 vided by section 16 of an Act entitled, "An Act to provide for the printing and
 11 distribution of ballots at public expense and for the nomination of candidates
 12 for public offices, to regulate the manner of holding elections, and to enforce the
 13 secrecy of the ballot, approved June 22, 1891, in force July 1, 1891."

14 And if such last named proposition is adopted by a majority vote of such
 15 municipality or territory also votes to organize as a city or village under the
 16 general law, then this Act shall apply to such city or village and it shall be
 17 deemed to be organized under this law, otherwise not.

Sec. 58. In the construction of this Act the following rules shall be ob-
 2 served, unless such construction would be inconsistent with the manifest intent,
 3 or repugnant to the context of the statute:

4 (a) The words "commissioner," or "alderman" or "village trustees"

5 shall be construed to mean commissioner when applied to duties under the Act
6 to which this is an amendment.

7 (b) When an office or officer is named in any law referred to in this Act,
8 it shall, when applied to cities or villages under this Act, be construed to mean
9 the office or officer having the same functions or duties under the provisions of
10 this Act, or under ordinances passed under authority thereof.

11 (c) The word "council" shall be considered synonymous with "city coun-
12 cil" or "president and board of trustees."

13 (d) The word "franchise" shall include every special privilege or right
14 in the streets, alleys, highways, bridges, subways, viaducts, air, waters, public
15 places and public property, whether granted by the State or the city or village
16 which does not belong to the citizens generally by common right.

17 (e) The word "electors" shall be construed to mean persons qualified to
18 vote for elective officers at municipal elections.

19 (f) The word "city" where used in this Act shall include village.

20 (g) The term "municipal" or "municipality" where used herein shall
21 mean either city or village.

22 (h) The word "treating" shall be construed to mean the entertaining
23 of person or persons with food, drink, tobacco or drugs.

24 (i) The word "treats" shall be construed to mean the food, drink, to-
25 bacco or drugs, requested, offered, given or received in treating or for enter-
26 tainment of a person or persons.

Sec. 59. The invalidity of any portion of this Act shall not effect, the va-
2 lidity of any other portion thereof, which can be given effect without such in-
3 valid parts, the intention hereof being that the courts of this State shall pre-
4 sume conclusively that it is the intention of the General Assembly that all the
5 provisions of this Act, which are not in and of themselves invalid, shall be given
6 effect, notwithstanding the courts, but for the provisions of this section, might

7 presume it to be the intention of the General Assembly that the valid portions of
8 this Act should not be given effect unless the portions thereof which are in-
9 valid would also be given effect.

Sec. 60. All Acts and parts of Acts in conflict with the provisions hereof are
2 hereby rendered inoperative in such cities or villages as shall adopt this Act so
3 long as they remain under this Act: *Provided, however,* nothing contained in this
4 Act shall in any way repeal, amend or affect the law pertaining to the making
5 of local improvements under the provisions of an Act entitled, "An Act con-
6 cerning local improvements," approved June 14, 1897, and all Acts amenda-
7 tory thereto: *And, provided, further,* that this Act shall not repeal, amend or
8 affect any of the provisions of chapter 105 entitled "Parks," but all the
9 several Acts therein contained shall be and remain of the same effect as if this
10 Act had not been adopted.

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